

REMARKS

Claims 1-62 were pending in the application. Claims 1-16 and 57-62 have been cancelled without prejudice as being drawn to non-elected subject matter. Claims 17, 23, 24, 29, 30, 31, 37, 40, 41, 43, and 48 have been amended. Accordingly, after entry of the instant amendments, claims 17-56 will be pending in the application. The specification has been corrected to address various objections.

No new matter has been added by way of the amendments to the claims or the specification. Support for the amendments to the claims and the specification can be found in the claims and specification as originally filed.

Specification/Claim/Objections

(1) Claim 23 has been amended to add the phrase “sarcoplasmic reticulum and endoplasmic reticulum Ca^{2+} -ATPase”.

Claims 30-31 have been amended to recite LC_{50} rather than IC_{50} .

(2) The recitation of “Fig. 1” on the last line of page 2 has been amended to recite “(see Figure 1)”.

(3) The application has been amended to update the priority information.

(4) The paragraph containing the phrase “C-2 or C-8 carbon” at page 13, line 10 has been amended to include a reference to International Publication No. WO 98/52966. This is the PCT publication number corresponding to International Application No. PCT/US98/10285, which is referred to later in the same paragraph, and which was published prior to the filing date of the instant application. Accordingly, Applicants submit that the insertion of the PCT publication number is not new matter, and further submit that the entire paragraph is clear.

The recitation of “LC50” at page 13, line 16 has been changed to “ LC_{50} ”

(5) The phrase “bovine serum albumin” has been added at page 17, line 27.

(6) The specification was objected to because the sequence “Ala-Arg-Arg-AMC” does not have a sequence identifier. The specification has been amended to add the sequence identifier. Additionally, a sequence identifier was added to the sequence “Pro-Phe-arg-AMC”, and the lowercase “arg” was capitalized. No new matter was added.

(7) The specification was objected to because the phrase “The Dixon plot[s] 1/v” was unclear. The specification has been amended such that the full sentence now reads “The Dixon plots ($[Zn^{2+}]/v$) for the inhibition were not linear.” Applicants submit that this language is clear. No new matter was added.

Rejection of claims 17-56 Under 35 U.S.C. § 112, Second Paragraph

Claim 17 was rejected for depending from non-elected (and now cancelled) claim 1. Claim 17 has been amended to incorporate all the limitations of cancelled claim 1. Claims 37 and 48 have also been amended to incorporate all the limitations of cancelled claim 1. Applicants submit that the amendments to claims 17, 37, and 48 obviate the rejection of these claims, as well as the rejection of all claims dependent therefrom.

Claim 24 was rejected because it contained an open-ended Markush group. Claim 24 has been amended to replace the word “or” with the word “and”. Applicants submit that this amendment obviates the rejection.

Claim 29 has been rejected because, according to the Examiner, there was insufficient antecedent basis for the limitation “the peptide linker”. Claim 29 has been amended to depend from claim 20, which provides sufficient antecedent basis. Applicants submit that this amendment obviates the rejection.

Claim 29 has been further rejected because it contained an open-ended Markush group. Claim 29 has been amended to place the phrase “each of which is unsubstituted or alkyl-, aryl-, halo-, alkoxy-, alkenyl-, amido- or amino-substituted” outside of the Markush group. Applicants submit that this amendment obviates the rejection.

Claim 29 has been still further rejected because, according to the Examiner, “‘and’ before ‘CO-(CH₂)_{n3}-NH-CO-CH(R₄)-NH₂’ renders the claim 29 indefinite because there should be

only one amino-substituent recited. Applicants thank the Examiner for the courtesy of a telephone conference on March 28, 2005. According to the Examiner, this rejection was made in error. Furthermore, Applicants believe that the amendments made to claim 29 render the claim definite.

Claim 40 has been rejected because, according to the Examiner, “[c]laim 40 is unclear in ‘the linker comprises Leu’ because claim 39 from which claim 40 depends does not expressly set forth that the linker is a peptide.” Applicants have amended claim 40 to recite “wherein the linker is an amino acid sequence which comprises leucine.” Applicants submit that the amendment to claim 40 obviates this rejection.

Claim 41 has been rejected because, according to the Examiner, there is insufficient antecedent basis for the term “the group”. Claim 41 has been amended to insert the term “capping” in front of the word “group”. Applicants submit that this rejection obviates the rejection.

Claim 43 has been rejected because, according to the Examiner, “a hK2 producing cell proliferation disorder” is unclear. Applicants have amended claim 43 to recite “a cell proliferation disorder which produces hK2”. Applicants submit that this amendment obviates the rejection of claim 43, as well as the rejection of all claims depending therefrom.

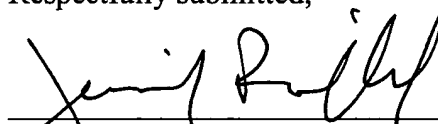
Claim 48 has been rejected because, according to the Examiner, the phrase “the detectable label” has insufficient antecedent basis. Applicants have amended claim 48 to recite “wherein the peptide comprises a detectable label”. This amendment is supported by the phrase “detectably-labeled peptide” earlier in the claim. Applicants submit that this amendment obviates the rejection of claim 48, as well as the rejection of all claims depending therefrom.

In view of the above, Applicants submit that claims 17-56 are definite, and respectfully request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. § 112, second paragraph.

CONCLUSION

It is believed the application is in condition for immediate allowance, which action is earnestly solicited. If a telephone conversation with Applicants' agent would expedite the prosecution of the above-identified application, the examiner is urged to call the undersigned at (617) 439-4444.

Respectfully submitted,



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Date: April 15, 2005